IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 21388 of 2007(U)

PETITIONER:

GIREESH BABU, S/O.N.DAMODARAN NAMBIAR,
AGED 38 YEARS, NADUKANI HOUSE, P.O. PAYYAMPALLY,
MANANTHAVADY, WAYANAD.

BY ADV. SRI.K.A.SALIL NARAYANAN

RESPONDENTS:

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1. THE DIRECTOR OF ANIMAL HUSBANDRY,
THIRUVANANTHAPURAM.

2. THE DISTRICT ANIMAL HUSBANDRY OFFICER,
KALPETTA, WAYANAD.

3. THE KERALA PUBLIC SERVICE COMMISSION,
DISTRICT OFFICE, WAYANAD, REPRESENTED BY ITS
DISTRICT OFFICER.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR,J.

W.P (C) No.21388 of 2007

Dated this the 11th day of July, 2007

J U D G M E N T

The petitioner is a Livestock Inspector working under the respondents 1 &2 . He was initially advised for appointment on 16.6.2003. Later, the petitioner's advice was cancelled under Rule 3 (c) of Part II - K.S.& S.S.R by the P.S.C. The same was done as the advice list has to be revised pursuant to the direction of this court. As per the revised advice list, the petitioner was not eligible to be included in it at the relevant time. Thereafter, when his turn arose, he was advised on 31.1.2004 by Exhibit-P3. The petitioner claims seniority in the cadre of Livestock Inspector from the date of his first advice which according to him is 16.6.2003. But the said claim was rejected by the P.S.C. by Exhibit-P5. Hence this writ petition challenging Exhibit-P5 and seeking a declaration that he is entitled to get seniority from 16.6.2003.

2. Heard the Learned Standing Counsel for the P.S.C. also. He submitted that the rank list has to be modified pursuant to the direction of this court and fresh advice list has to be drawn up. Since the petitioner's advice made on 16.6.2003 is

cancelled, he is not entitled to get seniority from the said date.

3. The petitioner's first advice was cancelled by the P.S.C. itself. He cannot, therefore, claim seniority from the said date. He is eligible to get seniority from the date of Exhibit-P3 advice, based on which the petitioner has been appointed. Accordingly the writ petition fails and it is dismissed.

(K.BALAKRISHNAN NAIR, JUDGE)

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/TRUE COPY/

P.A. TO JUDGE

K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007